

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID EIDMAN,

Plaintiff,

-against-

ERNEST STANLEY O'NEAL, et al.

Defendants.
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In re: MERRILL LYNCH & CO., INC.,
Securities, Derivative & ERISA Litigation
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: 08 Civ. 03392 (LBS)
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: **ECF CASE**
: **Electronically Filed**
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: Master File No.
: 07 Civ. 9633 (LBS)
:
:

: MDL No. 1933
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NOTICE OF VOLUNTARY DISMISSAL

Plaintiff David Eidman ("Plaintiff") hereby voluntarily dismisses the action Eidman v. O'Neal et al., 08 Civ. 03392 (LBS) against all defendants without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1).

Dated: New York, New York
August 8, 2008

Respectfully submitted,

HORWITZ, HORWITZ & PARADIS
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Attorneys for Plaintiff David Eidman

CERTIFICATE OF SERVICE

I, Michael A. Schwartz, hereby certify that I caused a true and correct copy of **PLAINTIFF DAVID EIDMAN'S NOTICE FOR VOLUNTARY DISMISSAL** to be served via ECF upon the following counsel of record on August 8, 2008:

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| SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP Jay B. Kasner Christopher P. Malloy Scott D. Musoff Joanne Gaboriault Four Times Square New York, NY 10036 Phone: (212) 735-3000 Fax: (212) 735-2000 Attorneys for Nominal Defendant Merrill Lynch & Co. | CLIFFORD CHANCE George Schieren Mark Holland 31 West 52nd Street New York, New York 10019 Phone: (212) 878-8000 Fax: (212) 878-8375 Attorneys for Defendants Citigroup Global Markets, Morgan Stanley & Co., UBS Securities and Wachovia Capital Services |
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/s Michael A. Schwartz
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